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Mayor

## CITY OF NEWTON, MASSACHUSETTS

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DATE: May 6, 2004

TO: Board of Aldermen  
Planning and Development Board

FROM: Michael Kruse, Director of Planning and Development  
Juris Alksnitis, Chief Zoning Code Official

SUBJECT: **Supplemental information**

Petition # 225-01(3) of ZONING AND PLANNING COMMITTEE proposing a new section of Chapter 30 of the City of Newton Zoning Ordinances governing rear lot subdivisions that would require explicit findings of specific public benefits and standards for mitigation of impacts that must be met before a special permit for this purpose could be granted.

Petition #542-03 of ALD. LIPSITT requesting amendment to Chapter 30 of the City of Newton Zoning Ordinances to allow "rear lot subdivisions" by Special Permit only in cases where a) an as-of-right subdivision plan exists as an alternative, or b) one or more units of affordable housing will be provided.

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As a follow-up to the most recent working session on these petitions, Planning Department staff reviewed individual rear lot cases approved by the Board of Aldermen during 1991-2003 to ascertain whether these cases would have "passed" the suggested standards for future rear lots. The results are shown on the enclosed table entitled *Summary of Rear Lots Approved 1991-2003 – Comparison with Potential New Standards*. It is noted that 10 of the 11 cases approved (and not lapsed), would not have satisfied these standards. In particular, the increased side-yard and rear-yard setbacks (increased by 50% over Section 30-15, Table 1 values) cause the most frequent instances where an existing rear lot might not meet the proposed standards. However, in some cases, it may also be possible that further refinement of site plans and building placement would have resulted in conformance. It is also noted that all cases met the standards pertaining to FAR, building coverage, open space, stories, and building height.

When the proposed standards are applied to the recently petitioned rear lot subdivision at 333 Brookline St. (Petition #213-04), it appears that this proposal would not meet the increased side-yard standard, and reduced maximum FAR standard.

The sample of existing cases suggests that implementation of more demanding standards would enhance mitigation of potential undesirable effects of rear lot development particularly with respect to providing additional buffering, and would likely help screen out less appropriate sites. This should increase confidence in such standards as “gatekeepers” for the two-tier rear lot development approach suggested by the Planning Department in its Memorandum re: Pet. #225-01(3) and 542-03. The approach would utilize more demanding standards for processing of as-of-right cases and special permit for defined waivers, and public benefit situations. In this regard it is also noted that several existing cases involved access easements or rights of way, and common driveways, which under the proposed scenario would require site plan approval as part of the special permit process.

ATTACHMENT:

Summary of Rear Lots Approved 1991-2003 – Comparison with Potential New Standards.


Summary of Rear Lots Approved\* 1991-2003  
Comparison with Potential New Standards

Possible minimum "entry" standards for rear lots																									
Petition	Location	Village	SBL	Use	Units	Zone	14% Incr.	30-15 Fr	50% Incr.	50% Incr.	Min. 20ft	Max. 20%	Reduced	Reduced	30-15	Max.	Max.	Stamped Plans			# Abuttrs				
							Lot area	Setback	Side	Rear	Frontage	Acc. Drve	Max.FAR	Max.Bld.Cov.	Op Sp %	2.5 stor.	30ft. Ht	Arch.	Lands.	Site					
18-91	757 Chestnut St.	Waban	53-27-17	1F	1	SR2	Y	N	Y	N	r.o.w.	n/a - r.o.w.	Y	Y	Y	---	Y	U	U	Y	7 & MBTA				
111-92	959 Chestnut St.	U. Falls	53-02-10A	1F	1	MR1	Y	N	Y	N	60	est 29%	Y	Y	Y	Y	Y	---	N	Y	5				
256-94(8)	30R Winston Rd.	Oak Hill	81-51-47A	1F	1	SR2	Y	Y	Y	N	41.9	est 7%	Y	Y	Y	Y	Y	U	Y	Y	4 & Ath.fld				
480-96	48 Derby St.	W.Newton	34-29-5A	1F	1	SR3	Y	Y	N	Y	22.7	est 13%	Y	Y	Y	Y	Y	Y	N	Y	9				
521-00	55-61 Prescott St.	Nonantum	23-15-14A	2F	2	MR1	Y	Y	N	Y	21.8	est 17%	Y	Y	Y	Y	Y	Y	Y	Y	6				
17-01(4)	91 Winston Rd.	Oak Hill	81-51-12B	1F	1	SR2	Y	Y	N	N	61	est 9%	Y	Y	Y	Y	Y	Y	Y	Y	4 & Ath.fld				
252-01(3)	153 Webster St.	W.Newton	33-22-2A	2F	2	MR1	Y	N	Y	N	20ft eas.	est 16%	Y	Y	Y	Y	Y	U	U	Y	5				
429-01	15 Thurston Rd.	U Falls	51-15-27	2F	2	MR1	Y	N	N	Y	25.4	est 20%	Y	Y	Y	Y	Y	Y	Y	Y	7				
61-02	31 Court St.	Newtnville	23-16-16	Att Du	6	MR2	Y	Y	Y	Y	2-20ft r.o.w.	n/a-r.o.w.	Y	Y	Y	Y	Y	Y	Y	Y	9				
126-02(5)	554 Grove St.	L. Falls	42-32-75A	1F	1	SR3	Y	Y	Y	Y	32.2	est 27%	Y	Y	Y	Y	Y	Y	Y	Y	6				
206-03	294 Kenrick St.	N. Centre	72-39-10/11	1F	1	SR2	Y	Y	Y	N	n/a	n/a	Y	Y	Y	Y	Y	U	N	Y	6				
11							19																		
<u>New proposed rear lot</u>																									
213-04	333 Brookline St.	Newton	82-20-15	1F	1	SR1	Y	Y	Y	N	Y	n/a-r.o.w.	N	Y	Y	TBD	Y	Y	U	Y	3				

\*Cases approved and not lapsed.

NOTES - Existing rear lots:

- 1 **One** subdivision - for attached dwelling units, meets all standards, if r.o.w. is accepted in place of min. frontage.
- 2 **All** subdivisions meet coverage, bulk, and height standards.
- 3 **Four** subdivisions fail solely due to one setback standard.
- 4 **Four** subdivisions fail to meet two setback standards.
- 5 **Two** subdivisions exceed % of access drive as proportion of lot area.
- 6 **One** subdivision fails solely due to exceeding access drive area standard.

- Legend:**
-  Meets all standards
  - Y Meets indicated standard
  - N Does not meet indicated standard
  - U Unstamped plan
  - Data unavailable
  - r.o.w. Right of way
  - eas. Easement
  - TBD To be determined

Planning and Development Department  
05/05/04